

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Dec 10, 2020

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

EDDIE G. VALENZUELA,

Defendant.

No. 2:11-CR-6074-WFN-1

ORDER REDUCING SENTENCE

Pending before the Court is Defendant's Motion to Reduce Sentence. ECF No. 130. Defendant has exhausted his claim with the Bureau of Prisons [BOP]. To justify a reduced sentence, Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has demonstrated compelling reasons warranting a sentence reduction. Defendant suffers from health issues that increase his risk of serious illness and death if he contracts COVID-19. He has submitted documentation of morbid obesity as well as hypertension. ECF No. 130-5. According to the CDC guidance, he faces an increased chance of serious illness and death if he were to contract COVID-19. Defendant's release date is August 21, 2022. He has served approximately 80% of his original sentence.

Defendant is not a danger to the safety of any other person or the community. He was convicted for drug distribution. He has no history of gun possession or violence. Though

1 his past DUI convictions cause concern, the Court concludes he does not present a danger  
2 to the community. Consequently, the Court concludes that Defendant has presented  
3 compelling reasons for a modification of his sentence. The Court has reviewed the file,  
4 Motion and briefing and is fully informed. Accordingly,

5 **IT IS ORDERED** that:

6 1. Defendant's Motion to Reduce Sentence, filed November 17, 2020, **ECF No. 130**,  
7 is **GRANTED**.

8 2. Defendant's sentence is **REDUCED** to **Time Served**, with **seven years** of  
9 supervised release.

10 3. Defendant's special conditions of supervised release are **MODIFIED** to include  
11 **one year of home detention**. The complete sentence can be found in the concurrently filed  
12 Amended Judgment.

13 The District Court Executive is directed to file this Order and provide copies to  
14 counsel **AND TO** the United States Probation Office.

15 **DATED** this 10th of December, 2020.

16 

17 WM. FREMMING NIELSEN  
18 SENIOR UNITED STATES DISTRICT JUDGE

12-09-20